

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated April 15, 2003 indicated that claims 1-19 are rejected under 35 U.S.C. § 102(e) over *Duluk, Jr. et al.* (U.S. Patent No. 6,288,730).

Applicant appreciates the recent teleconference in which the Examiner confirmed that the above Section 102(e) rejection was based on the '730 reference's filing date of August 20, 1999. As indicated in the teleconference, Applicant respectfully traverses the rejection because Applicant relies on Applicant's provisional-application priority date which is before August 20, 1999. Notwithstanding Applicant's belief that Provisional Application No. 60/097,336 (identified on the cover of the '730 reference) fails to correspond to cited subject matter of the '730 reference, Applicant appreciates the Examiner's willingness to review Provisional Application No. 60/097,336 in this regard.

Accordingly, Applicant hereby traverses the rejection and submits that Applicant's Provisional Application, No. 60/100,147 (filed on September 14, 1998), attached hereto, establishes that the *Duluk* '730 reference does not qualify as prior art under 35 U.S.C. § 102(e). The *Duluk* '730 reference was filed on August 20, 1999, which is after Applicant's effective priority date as evidenced by the attached Provisional Application, No. 60/100,147. As can be readily recognized, for example, by comparing the respective figures of Applicant's provisional and non-provisional applications, or by comparing Applicant's non-provisional claim 1 and non-provisional application Figure 4 with the discussion of Figure 4 at pages 3-8 of Applicant's Provisional Application, there is clear correspondence and entitlement to Applicant's Provisional Application invention priority date of September 14, 1998.

Applicant also traverses because the rationale supporting the Section 102(e) rejection relies on an unclear discussion of teaching provided in the *Duluk* '730 reference and, as such, Applicant cannot ascertain how the rationale would relate the limitations of Applicant's claims to the teaching cited in the *Duluk* '730 reference. For example, the Office Action erroneously asserts that *Duluk*'s reorder logic 2623 of FIG. 13A selects a memory reference from a set of pending memory references in the request queues 2621

(alleged address buffer) to present to "the RAM," but the *Duluk* '730 reference loosely refers to RAM as existing in various blocks of the figures (e.g., Figures 2, 5, 13A and 13B). Therefore, it is not clear from the Office Action which "RAM" is being referred to. Assuming for example, that "RAM" refers to texture memory 1213 of FIG. 2, then it would not be clear how to reconcile this assertion with *Duluk*'s teaching at column 8, lines 58 *et seq.*, that defines texture memory 1213 as logic that acts to either store texture maps or locates requested texture maps from other sources as shown at the bottom of FIG. 2. Using the same assumption, it is also unclear how the Office Action's assertion would be reconciled with *Duluk*'s teaching at column 8, lines 49 *et seq.* and column 13, lines 45 *et seq.*, that defines use of texture memory 1213 as operative only in response to undisclosed missed request logic. Should this Section 102(e), or a similar, rejection be maintained, Applicant would respectfully request clarification as to the alleged corresponding teaching of the *Duluk* '730 reference.

Applicant submits that there is no asserted "prior" art pursuant to Section 102(e) and that the above amendments to the claims are made to improve the clarity of the invention set forth therein. Therefore, these amendments should not be construed as an effort to distinguish over any prior art, cited or otherwise.

Also, with respect to the newly presented claims, Applicant submits that there is no asserted "prior" art pursuant to Section 102(e) and, therefore, no discussion of claim patentability relative to the *Duluk* '730 reference would be required. As addressed above, authorization is hereby permitted to charge Deposit Account No. 50-0996 (STFD.073PA) for the additional claims and to charge/credit the same deposit account number for any deficiency/surplus.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any

remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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Dated: October 14, 2003

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